

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 25 2003

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 27 2003

The applicant **Mark S. Mahan** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Permit 49274**

1. The source of water is **Underground**
2. The amount of water to be changed **4.574 C.F.S., not to exceed 1941.61 AFS**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point the **NW¼ of the NE¼ of Section 17, T.10N., R.27E., M.D.B.&M.** or at a point from which the **NE corner of said Section 17** bears **N. 67°41'00" E., a distance of 1,400 ft.**
6. The existing permitted point of diversion is located within **NE¼ SE¼ Section 8, T.10N., R.27E., M.D.B.&M.,** or at a point from which the **E¼ corner of said Section 8** bears **N. 84°42'45" E., a distance of 943.65 ft**
7. Proposed place of use **See Exhibit "A".**
8. Existing place of use **See Exhibit "B"**
9. Use will be from **April 1 to October 31** of each year.
10. Use was permitted from **April 1 to October 31** of each year.
11. Description of proposed works **Drilled & cased well, pump, motor and ditches.**
12. Estimated cost of works **\$60,000.00**
13. Estimated time required to construct works **Two (2) years**
14. Estimated time required to complete the application of water to beneficial use **Five (5) years**
15. Remarks: **This change application transfers the point of diversion under Permit 49274 to a location better suited to production. Water developed from this well will remain supplemental to surface rights from the East Walker River. The proposed place of use is limited to those lands irrigated from the East Walker River and owned by the applicant.**

By **Gregory M. Bilyeu (Agent)**
s/Gregory M. Bilyeu
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89521

Compared sg/cmf ^{ag/cmf}

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 49274 is issued subject to the terms and conditions imposed in said Permit 49274 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under portions of Permits 49276 (806.95 acre-feet per season), 49277 (1941.61 acre-feet per season), 49278 (1824.10 acre-feet per season), and Permits 69908 (1941.61 acre-feet per season) and 70050 (1134.66 acre-feet per season), and any water of the Walker River Decree C-125, and any storage water, appurtenant to the place of use shall not exceed 7556.0 acre-feet per season for the irrigation of 1889.0 acres within the described place of use. The permit holder is responsible for insuring delivery of the entitled decreed and storage waters that are supplemental to these permits. In any year that the Federal Water Master or the Walker River Irrigation District declares a full allocation of decreed water to the priority years of C-125 Claims supplemental to these permits, underground water shall not be pumped from the wells described in these permits.

These permits for underground water are issued as a supplemental water supply to lands that have surface water rights from the East Walker River from Claims No. 17 and 133 of the Walker River Decree C-125, or from storage water provided by the Walker River Irrigation District. Irrigation shall not exceed a duty of four acre-feet per season from the total of decreed, storage, and underground waters.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.574 cubic feet per second, but not to exceed 1941.61 acre-feet annually, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 10, 2005

Proof of completion of work shall be filed on or before:

April 10, 2005

Water must be placed to beneficial use on or before:

March 10, 2007

Proof of the application of water to beneficial use shall be filed on or before:

April 10, 2007

Map in support of proof of beneficial use shall be filed on or before:

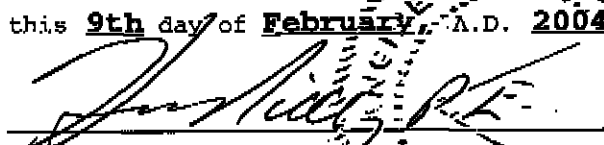
April 10, 2007

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office

this 9th day of February, A.D. 2004



State Engineer

FEB 27 2004

Completion of work filed _____
Proof of beneficial use filed _____
Cultural map filed _____
Certificate No. _____ Issued _____

